



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

285

CRM-M-30083-2025

Date of decision: 31.07.2025

MUKHTIAR SINGH

...PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Gaurav Gurcharan S. Rai, Sr. DAG, Punjab.

Mr. Mandeep Kumar, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.21 dated 21.02.2024 under Sections 406, 420 of IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station, Machhiwara, District Khanna and all consequential proceedings arising therefrom on the basis of compromise dated 13.05.2025 (Annexure P-2), which is stated to have been effected between the parties.

2 On 28.05.2025, the following order was passed:

“Instant petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) seeking quashing of the FIR (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of compromise effected between the parties on 13.05.2025 (Annexure P-2). Details of the FIR are as under: -



<i>Ff</i>	<i>FIR NO.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
	21	21.02.2024	406, 420 of IPC and 13 of Punjab of Human Smuggling Act	Macchiwara, District Khanna

2. Learned counsel for the petitioner, *inter alia*, submits that FIR in question (Annexure P-1) was registered against the petitioner at the instance of respondent No. 2. He further submits that after the investigation, challan has been presented and now the case is pending before the learned trial Court for 05.06.2025.

3. Learned counsel for the petitioner further submits that with the intervention of the respectables, the matter has been compromised between the parties vide compromise dated 13.05.2025 (Annexure P-2). As such, quashing of the FIR in question is sought for.

4. Notice of motion.

5. On the asking of the Court, Mr. Jatinder Pal Singh, Sr. DAG Punjab, who is present in Court, accepts notice on behalf of the State-respondent No. 1 and does not dispute the factual matrix of the case.

6. Mr. Mandeep Kanwar, Advocate, has entered appearance on behalf of respondent No.2 and has filed his vakalatnama which is taken on record. He also admits the factum of compromise having been effected between the parties voluntarily and without any pressure or coercion.

7. In order to ascertain the genuineness of compromise dated 13.05.2025 (Annexure P-2), the private parties are directed to appear before the concerned learned Trial Court/Illaq Magistrate on 05.06.2025 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement subject to deposit a cost of Rs. 25,000/- with the Poor Patients Welfare Fund, PGIMER, Chandigarh, before the date of recording of their statements and produce the receipt of the same to the learned Trial Court/Illaq Magistrate.

8. Learned Trial Court/Illaq Magistrate is directed to submit a report specifically para wise and also through e-mail on or before the next date of hearing containing the following information:-:-

1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.



5. The Trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.

6. The Trial Court is also directed to report whether the cost, if any, so imposed by this Court has been deposited or not?

9. To await report of the learned Trial Court, adjourned to 07.07.2025.

10. The concerned learned Sessions Judge is directed to communicate the aforesaid report of the concerned Trial Court to this Court through e-mail on or before the next date of hearing.”

3. Pursuant to the aforesaid order, report dated 24.07.2025 from Judicial Magistrate, Ist Class, Samrala, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“i) There is only person arrayed as accused in the FIR namely Mukhtiar Singh son of Wazir Singh. He appeared and got recorded his statement qua the compromise. Challan was presented on 29.01.2025 and accused is facing trial and is on bail.

ii) No accused is declared proclaimed offender/person in this case and accused is on bail and facing trial.

iii) As per statement of complainant Rajinder Kumar son of Karan Raj, he has compromised the matter with the accused by way of written compromise dated 26.03.2024 and copy of the compromise is placed on record as Annexure A. The dispute was monetary and same has been settled by written compromise dated 26.03.2024. Complainant clearly stated that he entered into compromise voluntarily, without any pressure or deception. Thus, it appears that compromise is genuine

iv) As per statement of accused as well as Investigation Officer DSP Tarlochan Singh No.251/PR, accused is not involved in any other case.

v) Statement of Investigation Officer DSP Tarlochan Singh No.251/ PR is also recorded and as per his statement there is only one accused and one complainant/victim and both are party to the present petition.

vi) The cost is deposited by the petitioner and receipt is produced and same is sent along with the present report.”

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the



FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7. This Court and the Hon'ble Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, Kulwinder Singh & others vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)***. The proposition of law that emerges from the aforesaid decisions rendered by the Hon'ble Apex Court and this Court is :

- (a) *Power u/s 482 Cr.P.C. vested with this Court is much wider and is unaffected by Section 320 of the Code.*
- (b) *However, wider the power greater the caution.*
- (c) *The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.*
- (d) *The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.*
- (e) *Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because*



FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.

- (f) Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.*
- (g) While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.*

The statutory provision of Section 528 of BNSS, 2023 is same as the statutory provision of Section 482 of Cr.P.C., 1973. Therefore, the above said principles of law would apply to a petition under Section 528 of BNSS, 2023 as well.

8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 528 of BNSS, 2023 to quash the FIR as :-

- (i) Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.*
- (ii) The offences alleged are primarily of private nature.*
- (iii) The parties have compromised.*
- (iv) As per the report received the compromise is said to be voluntary in its nature.*
- (v) Complainant/victim is reported to have entered into compromise on his own volition*

9. Consequently, the petition is allowed. FIR No.21 dated 21.02.2024 under Sections 406, 420 of IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station, Machhiwara, District Khanna and all consequential proceedings arising



therefrom on the basis of compromise dated 13.05.2025 (Annexure P-2), are, hereby, quashed qua the petitioner.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 31, 2025
jatn

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No